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I. INTRODUCTION

I. INTRODUCTION

As part of its NEPA process, GSA made extensive efforts to identify and address reasonable alternatives and probable disposal impacts. It also worked hard to seek and be responsive to public comments and expressions of concern. GSA invited and received comments from, and the participation of, many agencies. The Kansas Department of Health and the Environment (KDHE), Johnson County, and the City of DeSoto participated as cooperating agencies. Input from these agencies, especially Johnson County, was essential to the development of this EA. Scoping activities included both a public information meeting and a formal public scoping meeting. These meetings were announced in newspapers with local and regional circulation. In addition, GSA issued a DRAFT EA and DRAFT FONSI on February 11, 1999 followed by a 30 day public comment period. GSA held a public comment hearing on February 25, 1999. A transcript of the public comment hearing is included as Appendix A. GSA determined the scope and significance of the issues to be included in this final EA based on all data received including input from the cooperating agencies and interested members of the public.

Chapter I provides historic site information, an overview of the disposal process, the purpose and need for the disposal, an explanation of CERCLA early transfer authority and environmental justice considerations. Chapter II describes the alternatives considered. Chapter III describes existing conditions within the potentially affected environment; and Chapter IV addresses potential impacts and mitigation and provides an impact summary chart.

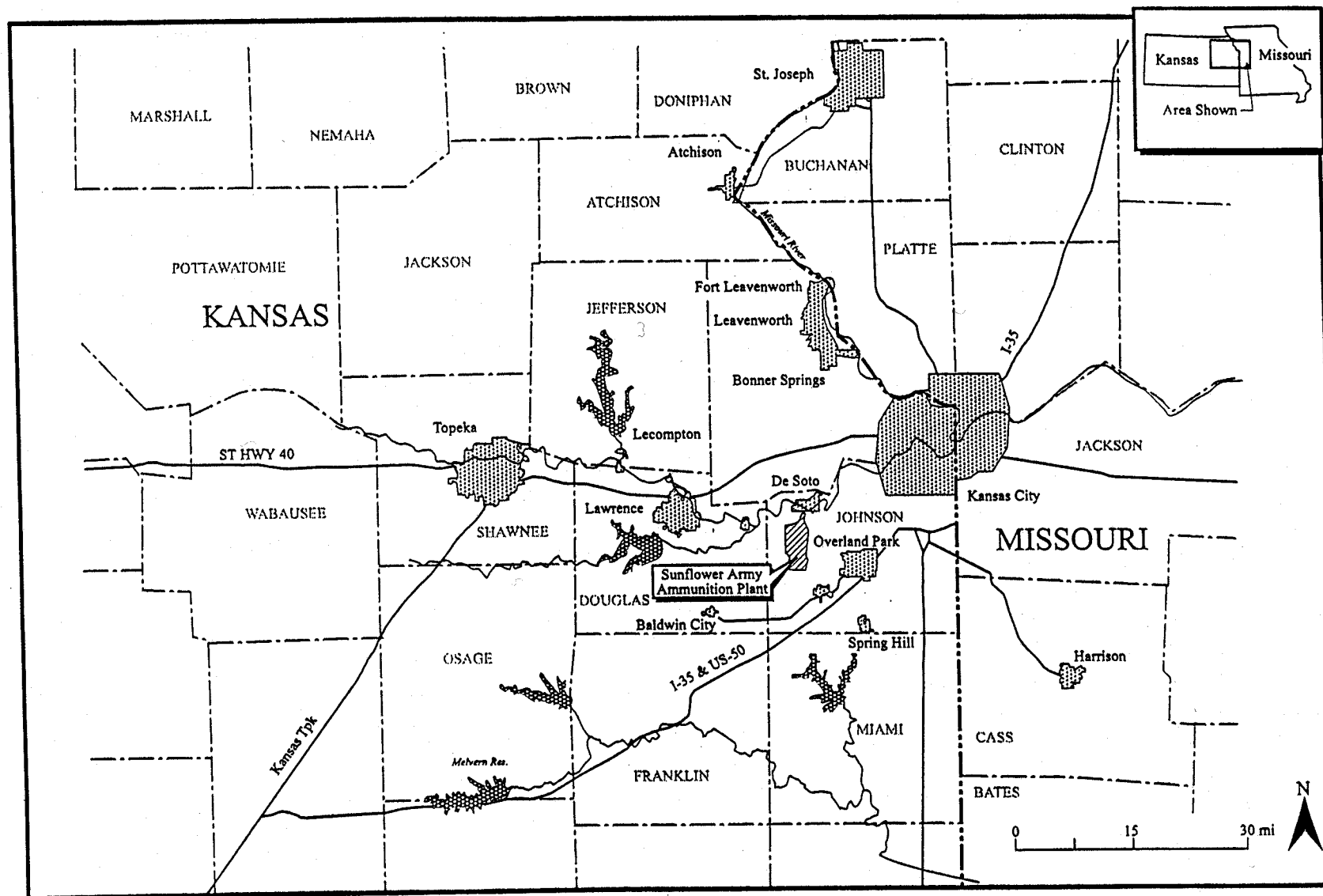
A. HISTORY OF SUNFLOWER

1. Construction and World War II

The Sunflower Army Ammunition Plant (Exhibit I-1), originally known as the Sunflower Ordnance Works, was established in 1941 on 10,747 acres. It was the world's largest powder (propellant) plant, and over Sunflower's history, its mission has been the production of smokeless powder and other propellants. On May 11, 1942, the Hercules Powder Company signed a contract to operate Sunflower. Construction of this government-owned, contractor-operated facility began immediately and production of the first propellant started 10 months later on March 25, 1943. Construction of additional facilities continued during the entire production period. During World War II, over 200,000,000 pounds of propellants were produced. Employment at Sunflower peaked at 12,067 workers, and records indicate that another 10,000 workers were employed in construction efforts at Sunflower.

2. Post War Era

After the war, Sunflower's operations were shut down temporarily. In March 1947, the Hercules production contract expired and layaway of Sunflower began. In June 1948, Sunflower was placed on standby and the government took over maintenance and security. Sunflower remained in standby status until 1951, when it was reactivated to support the Korean Conflict. On June 30, 1952, Hercules returned as operating contractor and produced over 166,000,000 pounds of propellants before closing. It remained in operation until June 1960, with a peak employment of 5,374 workers. On August 1, 1963, the name of the plant was changed to Sunflower Army Ammunition Plant and it was again temporarily shut down.



3. Vietnam Era to Present Day

Sunflower remained in standby status until August 20, 1965 when it was reactivated to support the Vietnam War. Over 145,000,000 pounds of propellant were produced, with a peak employment of 4,065 during this effort. Production operations ceased in June 1971 and Sunflower was again placed on standby in 1972. Before cessation of production, a major facility modernization program was initiated in August 1967. The largest project involved construction of a nitroguanidine production facility, the only one of its kind in North America. Nitroguanidine is the principal component in a multi-base artillery propellant. Construction of this facility began in July 1975 and was completed in 1979. Production began in 1984 and continued until 1992. Sunflower was placed on standby again and the operating contractor began performing maintenance.

On March 10, 1995, the U.S. Army awarded Alliant Techsystems, Inc. a contract to market the use of facilities on the installation. Revenue from the tenants is used to offset the cost of maintaining Sunflower. As of August 1999 there were 20 tenants using Sunflower facilities under facility use agreements, including Koch Industries (industrial operations have been terminated), a fish (Tilapia) breeding facility, and Kansas State University (agricultural/horticultural center) (see Exhibit III-21).

In March 1998, the U.S. Army determined that Sunflower was excess to the needs of the Army. Congress did not object to this decision. The property was screened against the needs of other Department of Defense (DoD) agencies and was determined excess to the needs of the DoD. Subsequently, GSA screened the property for use by Federal civilian agencies and has determined the property is surplus to the needs of the Federal government.

B. OVERVIEW OF THE DISPOSAL PROCESS

Under the provisions of the Federal Property and Administrative Services Act of 1949, as amended (FPAS), GSA shall transfer real property and related personal property that is excess and surplus to the needs of the Federal Government in order *"to achieve maximum utilization by executive agencies, in terms of economy and efficiency, of excess real property in order to minimize expenditures for the purchase of real property."* (Federal Property Management Regulations [FPMR] 101-47.201-1).

1. Transfer to Other Federal Agencies

When authorized to dispose of a property, GSA first screens it against the needs of Federal agencies that may reasonably be expected to have a need for the property. Notices of availability of excess property are submitted to each Federal real property holding agency, which may have a use for the property. Agencies have 30 calendar days from the date of the notice to advise GSA if there is a requirement for the property. An agency that has a requirement for the property must submit a request for transfer to GSA. Requests for transfer are evaluated in accordance with the guidelines in FPMR 101-47.201-2. If, after the application of those guidelines, GSA determines that a transfer of the property is in the best interest of the Government and that the requesting agency is the appropriate agency to hold the property, the transfer may be made among Federal agencies, to mixed-ownership Government corporations, and to the municipal government of the District of Columbia. Unless the requested property is to be used for correctional purposes, GSA must be reimbursed for the fair market value of the property. Waivers of the requirement for reimbursement must be approved by the Office of Management and Budget.

Excess property that is transferred to another Federal agency remains in Federal ownership and is not subject to state or local land use or resource management controls. Neither is such property subject to state or local

real or personal property taxes. Once the property has been transferred, its use and management are entirely under the control of the transferee agency.

2. Conveyances to Local Governments and Institutions

Excess property that is no longer needed by any agency of the Federal Government is determined to be surplus property and is made available to local governments and institutions for public uses. GSA is authorized to convey property for certain public uses for less than the property's full fair market value or without payment. These uses include education, public health, park and recreation, historic monument, correctional facilities, public airport, and wildlife conservation. The conveyance of surplus property for these uses is called a public benefit discount conveyance. To qualify for such a conveyance, the property's highest and best use must match the proposed public benefit conveyance use. The grantee of such properties must be a state or local government or, for education and public health uses, an eligible nonprofit institution.

For each public benefit discount program a Federal agency with appropriate expertise (a sponsoring agency) decides whether a prospective grantee is eligible and whether the proposed use satisfies the sponsoring agency's criteria for a public benefit conveyance. Although properties conveyed under public benefit discount programs can be acquired for less than their full value or without payment, they are subject to restrictions that require them to be used for the purpose for which they were conveyed. For education and public health, the use of the property is restricted for 30 years. For all other uses, the property is restricted in perpetuity. Exhibit I-2 provides a listing of the public benefit conveyance expressions of intent received for Sunflower.

In addition to the possible uses of surplus property outlined above, surplus property that is designated by the U.S. Department of Housing and Urban Development (HUD) as suitable for facilities for the homeless must be made available to local governments and private homeless service providers. Surplus property made available for facilities for the homeless is screened by GSA and published in the Federal Register. Surplus property can be conveyed for facilities for the homeless without payment and can only be used for the purpose for which it was conveyed.

Local governments may also purchase surplus property on a noncompetitive basis for public uses. Negotiated sales of surplus property are based on the property's current appraised fair market value. Except for properties valued at less than \$100,000, all such negotiated sales must be reviewed by GSA's congressional oversight committees before the sale can be completed.

3. Public Sales

Property that is not transferred or conveyed for Federal or local public uses is sold to the public for private use. GSA's public sales are competitive, either sealed bid or auction. GSA prepares an Invitation for Bids which contains a complete description of the property, the terms and conditions of sale, instructions on how to arrange an inspection, and a bid form. The property is advertised for a time before the bid opening or auction date. The extent and forms of advertising vary depending on the property. Newspapers in the area of the property and GSA's mailing list are always used; and, for larger, more valuable property, advertising might be nationwide and may include direct mail, special interest publications, national newspapers, and the Internet. Invitations for Bids are sent to those who respond to the advertising. The bid opening or auction is open to the public. GSA accepts the highest bid that meets or exceeds its estimate of the property's value.

EXHIBIT I-2

PUBLIC BENEFIT CONVEYANCE EXPRESSIONS OF INTEREST FOR SUNFLOWER

Name	Type of Transfer	Amount of Land	Use	Location
Johnson Co. Technical Education Cooperative	Education 40 USC 484 (K)(1)(A)	30-40 ac and a building	Training center in conjunction with DeSoto schools	Unknown
DeSoto Unified School District 232	Education 40 USC 484 (K)(1)(A)	640 ac	Public schools	Unknown
Univ. of Kansas (Lawrence)	Education 40 USC 484 (K)(1)(A)	80-100ac	Use to connect other school property already received from Sunflower	NW corner connecting other KU land
City of DeSoto	Health 40 USC 484 (K) (1)	Water sys, & easements	Upgrade city water system	Entire property
City of DeSoto	Negotiated sale 40 USC 484 (e)(3)(H)	Water rights	Water supply	External to property
City of DeSoto	Negotiated sale 40 USC 484 (e)(3)(H)	Fire station	City repair facility	—
City of DeSoto	Historical 40 USC 484 (K)(3)	160 ac	Old cabin and lake to be added to current city park	Roberts lake
City of DeSoto	Parks & Rec. 40 USC 484 (K)(2)	SW corner of plant	Used to spread sludge from city water treatment plant	Captains Creek
City of DeSoto	Health 40 USC 484 (K) (1)	10 ac for water tower	Set new water towers	95th St. & Sunflower Road
Johnson County	Parks & Rec. 40 USC 484 (K)(2)	3,500ac	Additional park acreage to include floodplain areas and south end of plant	Along floodplain and south end of property
Johnson Co. Extension Agency	Educational 40 USC 484 (K)(1)(A)	160 ac	Training facility to be located next to KSU ag farm	Near K State ag farm, SE corner of property
Johnson Co. Water District 1	Health 40 USC 484 (K) (1)	River water intake	Water intake and water lines to connect to Johnson County water system	—
Johnson Co. Water District 1	Health 40 USC 484 (K) (1)	Surface water rights	All of Sunflower water rights as a no cost transfer	—

EXHIBIT I-2 (CONTINUED)

PUBLIC BENEFIT CONVEYANCE EXPRESSIONS OF INTEREST FOR SUNFLOWER

Name	Type of Transfer	Amount of Land	Use	Location
Johnson Co. Water District 1	Health 40 USC 484 (K) (1)	80/100 ac	Land for new water treatment plant	Prefer near existing water lines
Kansas State Univ. (Manhattan)	Educational 40 USC 484 (K)(1)(A)	300 ac	Agricultural research and educational	SE corner of property
U.S. Army Reserve	—	80 ac	—	West side of property
State of Kansas	Negotiated sale 40 USC 484 (e)(3)(H)	9,500 ac	Development	Entire property
Haskell Indian Nations University	Educational 40 USC 484 (K)(1)(A)	Unknown	Education	Unknown
United Tribe of the Shawnee	Educational 40 USC 484 (K)(1)(A)	40 ac	Education	NE section, old administration buildings
United Tribe of the Shawnee	Health 40 USC 484 (K) (1)	40 ac	Health	NE section, old administration buildings
United Tribe of the Shawnee	Parks & Rec. 40 USC 484 (K)(2)	Unknown	Rejected by the Park Service; not qualified	—

Source: General Services Administration, 1999.

C. THE PURPOSE AND NEED FOR THE DISPOSAL

The purpose of GSA's proposed disposal of Sunflower is to effectively manage the Federal government's real property inventory through disposition of surplus property. The need for the proposed disposal is to: (1) minimize federal protection and maintenance expenses by eliminating property from the federal inventory that no longer serves a mission need; (2) ensure that real property is returned to productive use, thereby generating tax revenues and supporting important state and local public benefit programs; and (3) avoid waste and protect real property value, including cultural, environmental and historical values, through careful and efficient disposition.

D. EARLY TRANSFER PROVISIONS

In recognition of the lengthy process of site remediation for environmental contamination at military bases closed pursuant to the military base closure process, Congress amended the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) to allow the transfer of federal property prior to the completion of all environmental remediation. Prior to this amendment to CERCLA, the law required the Federal disposal agency to warrant and covenant that all remedial action necessary to protect human health

and the environment with respect to any hazardous substances remaining on the property had been taken prior to the date of transfer. As a consequence of this provision of law, the transfer of Federal facilities in many instances was substantially delayed, even if the presence of the hazardous substance did not present a threat when the property was accessed under certain conditions or used for certain purposes or both.

With respect to Sunflower, it is possible that the transfer of title to the property or portions thereof could take place before the completion of all environmental remediation. Further, it is possible that a future owner of the property would be willing to conduct and pay for remediation in exchange for a reduction in the purchase price of the property. Such an arrangement currently is under negotiation with the State of Kansas and the OZ Entertainment Company (OEC). This section discusses the requirements for an early transfer of contaminated property as well as the implications of site remediation being performed by an entity other than the United States.

The CERCLA covenant discussed above is not waived under the circumstances involving early transfer. Rather it is deferred until the cleanup has been completed, at which time the United States will execute and deliver to the transferee an appropriate document containing a warranty that all response action necessary to protect human health and the environment has been taken.

For Federal property which is not on the National Priority List (NPL), the deferral of the CERCLA covenant can only be accomplished with the concurrence of the Governor of the State in which the property is located. In arriving at the determination of whether to concur with a proposal to defer the CERCLA covenant, the Governor must make certain findings in satisfaction of the statutory requirements in CERCLA. These findings are:

- (1) The property is suitable for transfer for the expected use and such use is consistent with the protection of human health and the environment;
- (2) The deed or other agreement proposed to govern the transfer between the United States and the transferee of the property contains assurances that:
 - (a) Provide for any necessary restrictions on the use of the property to ensure the protection of human health and the environment;
 - (b) Provide that there will be restrictions on the use necessary to ensure that required remedial investigations, response action and oversight activity will not be disrupted;
 - (c) Provide that all necessary response action will be taken and identify schedules for investigation and completion of all necessary response action as approved by the appropriate regulatory agency; and
 - (d) Provide that the federal agency responsible for the property will submit a budget request to the Director of the Office of Management and Budget that adequately addresses schedules for investigation and completion of all necessary response actions, subject to congressional authorizations and appropriations;
- (3) The Federal agency requesting the deferral has provided notice, by publication in a newspaper of general circulation in the vicinity of the property, of the proposed transfer and of the opportunity for the public to submit, within a period of not less than 30 days after the date of the notice, written comments on the suitability of the property for transfer; and